

AMENDMENT TO THE DRAWINGS

Attached are "REPLACEMENT SHEETS" of the drawings. The "REPLACEMENT SHEETS" includes FIGS. 1, 3, 4, 12, and 18 and replaces the previous replacement drawing sheets that included FIGS. 1, 3, 4, 12, and 18.

Attachment: Replacement Sheets

## REMARKS

Claims 1-24 stand rejected in this application. No claims are added or cancelled by amendment. Accordingly, claims 1-24 are at issue. Reconsideration is respectfully requested.

The drawings stand objected to pursuant to 37 CFR 1.84 (p)(5). Substitute drawings are being submitted concurrently with this response. The substitute drawings are believed to address the objections stated in the Office Action.

The specification is objected to due to an informality concerning the recitation of "data modulator" where "data demodulation" was intended. The prior amendment addressed this informality. See Amended paragraph 38, beginning on page 22.

Claims 1-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over prior art identified in the specification in view of Liang, U.S. Published App. 20030026348A1. The rejection is respectfully traversed.

In the Response to Arguments, p. 4, it is stated that: "admitted prior art doesn't disclose that diversity techniques can not be employed with code synchronization, for this reason, admitted prior art doesn't teach away." The phrase "admitted prior art," is understood to refer to the known diversity techniques disclosed in the application. Provided concurrently with this response is a declaration by the inventor pursuant to 37 C.F.R. §1.132 establishing that each of the examples of known diversity techniques disclosed in the application requires estimation of the signal to noise ratio (SNR) or of the channel state. Also, code synchronization is required before one can determine the channel state or the SNR. Because the invention as recited in claims 1 and 12 calls for processing a received signal by using diversity branches to determine at least one diversity output value prior to achieving code synchronization, the previously known

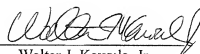
diversity techniques described in the application cannot be used to practice the claimed invention. Because one of ordinary skill would know that they could not be used to practice the claimed invention, simply being in the same field does not provide any motivation to combine them.

Moreover, the stated motivation for the combination, i.e., to improve the quality of the data reception of a receiver, is inapplicable because code synchronization is not the same as data detection. For example, one problem affecting known techniques for code synchronization is the presence of frequency offset. Application, ¶¶ 0018-24. In CDMA receivers, frequency offset is corrected before diversity techniques are applied to data demodulation.

If the examiner finds that there are any outstanding issues which may be resolved by a telephone interview, the Examiner is invited to contact the undersigned at the below listed number.

The Examiner is authorized to charge account no. 23-0920 to cover any shortage of fees and requested to charge said charge account in the event that there has been an overpayment.

Respectfully submitted,  
WELSH & KATZ, LTD.

By   
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